

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,

No. C 10-03561 WHA

Plaintiff,

v.

**ORDER REGARDING
RULE 706 EXPERTS**

GOOGLE INC.,


Defendant.

In order to be in a position to appoint a damages expert under FRE 706, counsel shall agree on two qualified candidates in this district and jointly call them to make sure they would be available and have no conflicts. After vetting the two candidates, counsel shall submit the two names and resumes to the Court by **JULY 26, 2011**. The Court will then tentatively pick one of the two.

Due to the large damages at issue, the Court tentatively plans to use the selected expert to testify before the jury at trial under FRE 706 and *not* as a confidential advisor to the judge. Similarly, both sides shall recommend two qualified economists or other experts to testify under FRE 706 concerning whether or not the claims tried to the jury, if infringed, constitute the basis for demand for Android. Each side may, by said date, also submit declarations showing cause why such appointments would (or would not) be advisable, and describing the assignments counsel would prefer be given to the experts, but the names must be given anyway.

IT IS SO ORDERED.

Dated: July 5, 2011.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE